

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	
TERA GROUP, INC., et al.,	:	
	:	
Plaintiffs,	:	
	:	Civil Action No. 17-cv-4302 (RJS)
v.	:	
	:	
CITIGROUP, INC., et al.,	:	
	:	
Defendants.	:	
-----X	:	

**DEFENDANT UBS AG'S NOTICE OF SUPPLEMENTAL AUTHORITY
IN FURTHER SUPPORT OF ITS MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION**

David C. Bohan
KATTEN MUCHIN ROSENMAN LLP
525 West Monroe Street
Chicago, Illinois 60601
Phone: (312) 902-5200

Daniel G. Swanson (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, California 90071
Phone: (213) 229-7000

Attorneys for UBS AG

February 15, 2018

Defendant UBS AG respectfully submits this Notice of Supplemental Authority in Further Support of its Motion to Dismiss the Complaint for Lack of Personal Jurisdiction (“Motion to Dismiss”). (ECF Nos. 104, 105.)

On February 9, 2018, the U.S. Court of Appeals for the Second Circuit issued its decision in *SPV OSUS Ltd. v. UBS AG, et al.*, No. 16-2173 (2d Cir. Feb. 9, 2018) (the “Decision”), a copy of which is attached as Exhibit A. In its Decision, the Second Circuit affirmed the district court’s dismissal of UBS AG and certain of its foreign affiliates for lack of personal jurisdiction. The Second Circuit held that the district court “correctly adduced” that its exercise of general jurisdiction over UBS AG would be “bar[red]” under *Daimler AG v. Baumann*, 134 S. Ct. 746 (2014), because “UBS AG’s place of incorporation and principal place of business is in Switzerland” and UBS AG “simply lack[s] sufficient contacts with the United States to allow the exercise of general jurisdiction.” Decision at 20, 21.

With respect to specific jurisdiction, the Second Circuit held:

At bottom, the contacts alleged by [Plaintiff] between the UBS Defendants, the forum and the litigation amount to a handful of communications and transfers of funds. These limited contacts are insufficient to allow the exercise of specific personal jurisdiction over the UBS Defendants.

Id. at 23–24.

In this Court, UBS AG cited the district court’s decision in *SPV OSUS Ltd. v. UBS AG*, 114 F. Supp. 3d 161 (S.D.N.Y. 2015), in its opening brief in support of its pending Motion to Dismiss. (ECF No. 105 at 3.) It calls this Court’s attention to the case’s subsequent history because the holdings and rationale of the Second Circuit bear directly on the arguments raised throughout that Motion.

Dated: February 15, 2018

/s/ David C. Bohan
David C. Bohan
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525 West Monroe Street
Chicago, Illinois 60601
Phone: (312) 902-5200

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